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*Attorney for Petitioner Hector Leonard Jardine

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Hector Leonard Jardine,
14 Petitioner,
15 v.
16 Brian Williams, *et al.*,
17 Respondents.

Case No. 2:16-cv-02637-RFB-NJK

**Motion for Extension of Time to
File Amended Petition for Writ of
Habeas Corpus**

(Third Request)

1 **POINTS AND AUTHORITIES**

2 Petitioner Hector Jardine respectfully asks this Court to enter an order
3 extending his deadline for filing a counseled amended petition by 90 days from
4 October 22, 2018 to January 21, 2019.

5 Mr. Jardine was convicted following a four-day jury trial of one count each of
6 attempt murder with use of a dangerous weapon, burglary, first-degree kidnapping
7 with use of a dangerous weapon and with substantial bodily harm, and sexual
8 assault with use of dangerous weapon. He was sentenced to a total of 50 years to
9 life.

10 This is Mr. Jardine's third request for an extension. Counsel still has been
11 unable to obtain Mr. Jardine's file from his prior attorney, Conrad Claus. Mr. Claus
12 represented Mr. Jardine on post-conviction and obtained trial counsel's file as part
13 of his representation.

14 Counsel's investigator tracked down Mr. Claus in New Orleans. Counsel sent
15 multiple e-mails to Mr. Claus before he finally responded. He eventually put
16 counsel in touch with a person here locally, who he said could provide the file.
17 Counsel expected that person to turn over Mr. Claus's complete file, including trial
18 counsel's file. Counsel and her investigator met with this person several weeks ago,
19 but he provided only a small portion of the file. Counsel has reached out again to
20 Mr. Claus by email in the hopes that she can resolve this issue short of litigation,
21 which is looming as a last resort. She anticipates filing a discovery motion in this
22 court in early November if Mr. Claus does not respond. Without Mr. Claus's file,
23 counsel has only the court record filed in state court. Thus, Mr. Claus's file is vital
24 to counsel's evaluation of Mr. Jardine's case. Counsel has been making every effort
25 to obtain the file from Mr. Clause and other sources and views litigation of a
26 discovery in this Court as a last resort.

1 The additional period of time is necessary in order to effectively and
2 thoroughly represent Mr. Jardine. The motion is not filed for the purposes of delay
3 but in the interests of justice, as well as the interests of Mr. Jardine. It will give
4 counsel time to contact Mr. Claus and locate his file, conduct any necessary
5 investigation into both substantive and procedural matters, and draft a petition.

6 On October 22, 2018, counsel e-mailed Assistant Solicitor General Jeffrey M.
7 Connor regarding this request, but was unable to connect with him prior to file.
8 Atty. Conner did not object to prior extension requests with the understanding that
9 his lack of objection is not a waiver or concession of any kind.

10 Dated October 22, 2018.

11 Respectfully submitted,


12 Rene L. Valladares
13 Federal Public Defender

14 /s/Amelia L. Bizzaro

15 Amelia L. Bizzaro
16 Assistant Federal Public Defender

17 APPROVED:

18 DATED this 23rd day of October, 2018.

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20 _____
21 RICHARD F. BOULWARE, II
22 United States District Judge
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jeffrey M. Conner.

Hector Jardine
No. 94724
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender